

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CAMILLO DOUGLAS,

Plaintiff,

v.

ORDER
12-CV-1112A

CORRECTION OFFICER HALE, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). Defendants filed a motion for summary judgment (Dkt. No. 21) on June 18, 2014. Plaintiff filed a cross motion to compel discovery and a motion for appointment of counsel (Dkt. No. 30) on November 3, 2014. On January 15, 2015, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motion for summary judgment be denied. Magistrate Judge Scott further recommended that plaintiff's cross motion to compel be granted, but that plaintiff's motion for appointment of counsel be denied without prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion for summary judgment is denied at this time pursuant to Federal Rule of Civil Procedure 56(D). It is further ordered that plaintiff's cross motion to compel is granted, and his

motion for appointment of counsel is denied without prejudice.

The case shall remain with Magistrate Judge Scott for further pretrial proceedings.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 4, 2015